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REMARKS

This Amendment is responsive the Office Action dated Nov. 24, 2004. All rejections and objections of the Examiner are respectfully traversed. Reconsideration and further examination are respectfully requested.

At paragraphs 1 and 2 of the Office Action, the Examiner rejected claims 1-75 under 35 U.S.C. 102, as being anticipated by United States patent number 5,977,964 of Williams et al. ("Williams et al."). Applicants respectfully traverse this rejection.

Williams et al. disclose a system for automatically configuring a system based on a user's monitored system interaction and preferred system access times. The Williams et al. system updates a user profile corresponding to the user, based at least in part on the monitored user interaction with the system. Preferred system access times of the user are identified based at least in part on the user profile, and the Williams et al. system is automatically configured based at least in part on the user profile and the user's preferred system access times.

Fig. 1 of Williams et al. shows a system controller configured to store user profile information developed for each of the users of system. The controller of Williams et al. is configured to retrieve and store entertainment programming information available from a wide variety of sources, and automatically determines which user is currently using the system by comparing received inputs and current settings to user profiles of entertainment system users. Having determined the current user based on such received inputs and current settings, the Williams et al. controller dynamically configures the operating parameters of a system in accordance with the user preference information of the user profile corresponding to the determined entertainment system user, offers programming/entertainment suggestions, and additional value added features to enhance the user's enjoyment of system. Williams et al.

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further teach that the controller may be referred to as a "convergence system" designed to integrate the world of entertainment systems and computing platforms to achieve the beneficial results discussed in greater detail below.

The system shown in Fig. 1 of Williams et al. is an entertainment system including a television/monitor, video recorder/playback device, DVD recorder/playback device, audio/video tuner and amplifier, audio playback/recorder device, and compact disk player, all coupled to a common input/output (I/O) bus. Williams et al. teaches that alternative means of routing input and output signals may include an appropriate number of independent audio "patch" cables for audio signals, independent coaxial cable for video signals, and that control signals may be routed along a two-wire serial line, or through infrared (IR) communication signals or radio frequency (RF) communication signals.

Nowhere in Williams et al. is there disclosed or suggested any system or method for providing a personalized service in a communication system, including:

...

detecting physical presence of a user, wherein the detecting includes a determination, *based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system;* and

providing the personalized service to the user based upon the physical presence of the user. (emphasis added)

as in the present independent claim 1. Independent claims 21, 45 and 71 include analogous features. With regard to the detection of a user's physical presence, the Examiner asserts as follows in the Office Action with regard to Williams et al.:

... the detector for detecting the physical presence can be defined as any device for controlling the entertainment system by the user and the logic is shown in figure 3. . .

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Applicants respectfully disagree. As stated in the Brief Description of the Drawings, Fig. 3 of Williams et al. is "a flow chart illustrating the steps followed in determining which user of a plurality of system users is currently using the system". In the Figures, Fig. 3 of Williams et al. shows a series of steps in which *user inputs are monitored* and system settings are checked at step 302, the user inputs and system settings are compared to user profile information at step 304. Williams et al. teach that Fig. 3 illustrates step 204 of Fig. 2, in which a system controller determines which user is currently using the system. To do this, the Williams et al. system operates by:

... monitoring user interaction with system 100 and checking current system settings, step 302. This monitored user information is stored in a behavior log, ...

Thus Williams et al. perform user identification and system customization in a far different manner than the present invention as set forth in the independent claims 1, 21, 45 and 71. Specifically, Williams et al. performs user identification based on monitoring user behavior and interactions with the Williams et al. system, and comparison with a behavior log, as opposed to *providing a personalized network or service in response to detecting the physical presence of a user, the detecting including a determination that the user is currently in close physical proximity to a communication system, based on detection of at least one physical attribute of the user*, as in the present independent claims 1, 21, 45, and 71.

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For the above reasons, Applicants respectfully urge that Williams et al. does not disclose or suggest all the features of the present invention as set forth in independent claims 1, 21, 45 and 71. Accordingly, Williams et al. does not anticipate the present independent claims 1, 21, 45 and 71 under 35 U.S.C. 102. As to the remaining claims, they each depend from independent claims 1, 21, 45 and 71, and are believed to be patentable over Williams et al. for at least the same reasons. Reconsideration of all pending claims is respectfully requested.

Applicants respectfully request that the rejections in the Office Action be withdrawn.

Applicants have made a diligent effort to place the application in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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